

FRANCISCO CONCILLO, MATILDE CONCILLO MOVILLA, SIMEONA CONCILLO, AND SALVACION CONCILLO MOVILLA, COMPLAINANTS, VS. JUDGE SANTOS T. GIL, RTC-BR. 6, TACLOBAN CITY, RESPONDENT.

A.M. No. RTJ-02-1722. September 24, 2002

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

FRANCISCO CONCILLO, Matilde Concillo Movilla, Simeona Concillo and Salvacion Concillo Movilla, in a verified letter-complaint dated 3 September 2000, charged Judge Santos T. Gil, RTC-Br. 6, Tacloban City, with Gross Inefficiency and Misconduct in Office for failure to decide LRC No. N-279 entitled "In re: Application for Original Registration of Lot No. 2975 Cad. 220 Caibaan, Tacloban City, Heirs of Pedro Concillo, Applicants," within the prescribed 90-day period from the time it was submitted for decision on 17 September 1998. Complainants added that respondent was impelled by ill-motive for demanding a share in the property subject matter of the case, and that he was criminally liable under Art. 174[1] of The Revised Penal Code for falsely stating in his Certificate of Service submitted from September 1998 to the present that he has no pending case submitted for decision or resolution when in truth and in fact aforesaid LRC No. N-279 has not yet been resolved up to now.

In a 1st Indorsement dated 13 November 2000 of then Deputy Court Administrator Bernardo T. Ponferrada, the letter-complaint was referred to respondent Judge Santos T. Gil for comment within ten (10) days from receipt thereof. When respondent failed to file his comment as required, a 1st Tracer dated 14 November 2001 was sent by Court Administrator Presbitero J. Velasco, Jr., giving respondent a non-extendible period of five (5) days from receipt thereof within which to submit his comment.

In his Comment dated 7 December 2001 respondent Judge alleged that when he assumed office as Presiding Judge of RTC-Br. 6, Tacloban City, in June 1998 there were many cases filed as early as 1983 but still pending trial. Among them was LRC No. N-279 which was filed on 27 April 1988. He tried his best to expedite resolution of the cases by conducting hearings during the mornings and afternoons but since majority of the cases were in the final stages of trial with only the presentation of rebuttal or sur-rebuttal evidence remaining, cases submitted for decision piled up one after the other.

He denied having demanded a share in the property subject matter of LRC No. N-279 as his entire staff, all the public prosecutors assigned to his sala, and lawyers who appeared before him could vouch for his integrity. He attached to his comment the duplicate original of the Decision dated 28 February 2001 which he rendered in the subject case.

The Office of the Court Administrator, in a Memorandum dated 22 May 2002 recommended that this case be re-docketed as a regular administrative matter, and that respondent be fined P5,000.00 for delay in deciding LRC Case No. N-279.

The Court notes that the land registration case was submitted for decision on 17 September 1998 but decided by respondent only on 28 February 2001 or after the lapse of almost three (3) years, in violation of Rule 3.05 of the Code of Judicial Conduct which requires judges to decide cases within the prescribed periods. In addition, the OCA recommended a judicial audit of RTC-Br. 6, Tacloban City, it appearing from the records of the OCA that as of March 2002 the last Monthly Report of Cases submitted by respondent Judge was an improperly accomplished Report for January 2001 which did not even include Item No. VI or "List of Cases Submitted for Decision But Not Yet Decided at the End of the Month."

The charge of misconduct in office was recommended however for dismissal since complainants failed to substantiate their allegation that respondent Judge demanded from them a share in the property subject matter of LRC No. N-279.

We find the OCA recommendations to be well-taken. Rule 3.05, Canon 3, of the Code of Judicial Conduct provides -

A judge shall dispose of the court's business promptly and decide cases within the required periods.

In this connection, Sec. 15, par. (1), Art. VIII, 1987 Constitution, provides—

All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

In impressing upon judges the importance of complying with the foregoing provisions, we stress that the faith and confidence of the public in our judicial system depends, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the courts.[2] Delay not only reinforces the belief of the people that the wheels of justice grind ever so slowly[3] but also invites suspicion of ulterior motives on the part of the judge.[4] Thus we do not hesitate to impose appropriate administrative sanctions against judges who fail to comply with the aforequoted provisions. While the Court remains sympathetic to the plight of judges who are more often than not beset with heavy caseloads, such is not a sufficient excuse to avoid administrative sanction for they can always ask for extensions of time within which to decide cases should they find themselves unable to comply with the 90-day requirement, and such requests are as a rule granted[5] unless there is a discernible pattern to delay.

We have previously imposed a fine of P5,000.00 on judges who failed to decide cases within the prescribed periods.[6] Although undue delay in rendering a decision or order is now punishable with suspension from office without salary and benefits for one (1) to three (3) months or a fine of more than P10,000.00 but not exceeding P20,000.00 under Sec. 9, in relation to Sec. 11, par. (B), of Rule 140 as amended,[7] such amendments cannot be applied in the instant case since they took effect on 1 October 2001 or after the delay complained of had already occurred and LRC No. N-279 already decided by respondent Judge.

Anent the charge of misconduct in office, we agree that this charge should be dismissed for failure of the complainants to substantiate their claim that respondent Judge demanded from them a share in the property subject matter of the case. Section 1, Rule 140, of the Rules of Court requires that in instituting cases against judges of the first instance, the facts complained of as constituting the alleged serious misconduct or inefficiency must not only be set out distinctly, clearly and concisely, but must also be substantiated by the affidavits of persons having personal knowledge of the facts alleged, and other accompanying documents. Complainants neither detailed their allegation nor supported it with affidavits and other similar documents.

WHEREFORE, upon recommendation of the Office of the Court Administrator, respondent Judge Santos T. Gil, RTC-Br. 6, Tacloban City, is FINED P5,000.000 which he should pay within sixty (60) days upon receipt of this

Resolution for Undue Delay in the Resolution of LRC No. N-279 with stern warning that repetition of the same or similar offenses will be dealt with more severely.

The Court Management Office of the Office of the Court Administrator is DIRECTED to CONDUCT immediately a judicial audit of RTC-Br. 6, Tacloban City, and to SUBMIT to this Court its report and recommendation within thirty (30) days from receipt hereof.

SO ORDERED.

Mendoza, Quisumbing, Austria-Martinez, and Callejo, Sr., JJ., concur.

[1] On False medical certificates, false certificates of merits or service, etc.

[2] Gallego v. Doronila, A.M. No. MTJ-00-1278, 26 June 2000, 334 SCRA 339, 343.

[3] Hadja Thittie M. Arap v. Judge Amir Mustafa, A.M. No. SCC-01-7, 12 March 2002.

[4] Office of the Court Administrator v. Judge Antonio P. Quizon (Ret.) et al., A.M. No. RTJ-01-1636, 13 February 2002.

[5] Office of the Court Administrator v. Judge Antonio P. Quizon (Ret.) et al., A.M. No. RTJ-01-1636, 13 February 2002; see also Report on the Judicial Audit Conducted in RTC-Brs. 61 & 63, Quezon; MTC-Calauag, Quezon & Tagkawayan, Quezon, A.M. No. 98-8-262-RTC, 21 March 2000, 328 SCRA 543, 580.

[6] Yalung v. Pascua, A.M. No. MTJ-01-1342, 21 June 2001; Balayo v. Buban, Jr., A.M. No. RTJ-99-1477, 9 September 1999, 314 SCRA 16.

[7] En Banc Resolution dated 11 September 2001 in A.M. No. 01-8-10-SC.

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